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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,130	06/29/2005	Aloys Wobben	970054.482USPC	6859
500 7590 10/20/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104				
EXAMINER				
NGUYEN, TAIT				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
10/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,130

Applicant(s)

WOBBEN, ALOYS

Examiner

Tai T. Nguyen

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7, 9-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohlifing et al. (US 2002/0093823) in view of Guerrero (US 5,980,069).

Regarding claims 1-2, Rohlifing et al. disclose a wind power installation (figure 6) positioned on a ground having a machine housing (42) fitted to a pylon, the machine housing including a rotor (43) and generator (not shown) connected thereto, comprising:

a flight lighting arrangement (10) which produces a light that is visible from a distance (figure 6); and

a cover (16) for covering the lighting arrangement (figure 1).

Rohlifing et al. disclose the instant claimed invention except for the cover to prevent a substantially amount of the light being seen from the ground in a region of more than 0 m to approximately 2000m around the wind power installation and a height of about 3 to 10 m. Guerrero teaches a beacon lights (10) that produces a light that is visible from a distance for warning aircraft of a tower and a concentric frustraconically shape cover (12) being configured to prevent a substantially amount of the light from being seen from a ground level while still providing warning access to the aircraft, wherein a

slope/angle of the frustraconically shape may vary depending upon a particular situation and the slope would be between 5 to 12 degrees (figures 1-2, col. 2, lines 6-16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the light and cover as taught by Guerrero in the system as disclosed by Rohlfing et al. for the purpose of providing an aircraft warning light mounted on the wind power installation that being seen from the ground in a region of more than 0m to approximately 2000m and the height of about 3 to 10 m.

Regarding claims 3-7, Rohlfing et al. disclose the instant claimed invention except for the cover comprises a plate located beneath and/or lateral of the lighting arrangement, parabolic configuration and the lighting arrangement disposed within the cover that prevents a substantially amount of light being scarcely visible at a distance about 0 to 1000 m. Guerrero teaches a tower mounted beacon lights for aircraft (48, 50), wherein the lights having a parabolic cover/plate configuration (12) located beneath of the light and the light being disposed within the cover (see abstract and figure 2). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the aircraft warning light as taught by Guerrero in the system as disclosed by Matsumoto et al. for the purpose of preventing the light being seen from the ground within 0 to 1000 m around the wind installation.

Regarding claims 9-21, refer to claims 1-7 above.

Response to Arguments

3. Applicant's arguments filed June 25, 2008 have been fully considered but they are not persuasive.

Applicant argues that the cited references, either taken alone or in combination, do not teach, suggest, or motivate the cover of a cover preventing a substantial amount of the light from being seen from the ground in a region of more than 0 meters to approximately 2000 meters as claimed in claim 1. Examiner does not agree. As mentioned in claim 1, Guerrero teaches a cover in the form of a concentric frustraconically shape cover (12) being configured to prevent a substantially amount of the light from being seen from a ground level while still providing warning access to the aircraft, wherein a slope/angle of the frustraconically shape may vary depending upon a particular situation and the slope would be between 5 to 12 degrees (figures 1-2, col. 2, lines 6-16), thus the combination of those references are perfectly read on the claim 1.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tai T. Nguyen/
Primary Examiner, Art Unit 2612

October 10, 2008

Application Number**Application/Control No.**

10/517,130

**Applicant(s)/Patent under
Reexamination**

WOBBEN, ALOYS

Examiner

Tai T. Nguyen

Art Unit

2612